

REMARKS

The indication that Claim 3 contains allowable subject matter is noted with appreciation; that claim has been rewritten in independent form.

There are twelve claims pending in the application although the Office Action Summary refers to only ten; Claims 11 and 12, however, are mentioned in the obviousness-type double patenting rejections.

Claims 1, 2 and 4 have been amended to overcome the claim objections. (Because (2) in each of Claims 1 and 2 now begins with the phrase "is a crystalline resin", the first and third listed properties of these claims begin with "has a.") Claim 8 has been canceled, rendering the objection thereto moot. Minor self-evident changes have been made to some of the other claims. Thus, the claims before the Examiner are Claims 1-7 and 9-12.

The rejection of Claims 1, 4, and 11 for obviousness-type double patenting over Claim 1 of U.S. Patent No. 6,930,160 in view of Rodriguez et al. (U.S. Patent No. 6,221,967) and the rejection of Claims 2, 4, and 12 for obviousness-type double patenting over Claim 4 of U.S. Patent No. 6,930,160 in view of Rodriguez et al. (U.S. Patent No. 6,221,967) are moot in view of the enclosed Terminal Disclaimer. Enclosed also is a copy of an English translation of applicant's Japanese priority application to establish benefit to a February 21, 2002, filing date. A formal sworn document will be filed directly.

The rejection of Claims 5-10 under 35 U.S.C. § 103 as unpatentable over Yabunouchi et al. (U.S. Patent No. 5,854,165), if applied to the claims as revised, is respectfully traversed. Claim 5 has been amended to strike a C₁ to C₂₀ hydrocarbon group from the definition of A¹ and A² in the formula of the transition metal compound.

Yabunouchi et al. (U.S. Patent No. 5,854,165) describes various transition metal compounds useful as an olefin polymerization catalyst in which the Aⁿ groups in the transition metal compound formula are each a crosslinking group and may be the same or

different but at least one of them comprises a crosslinked structure consisting of carbon alone; see column 3, lines 30-33. The structure is graphically depicted in the reference at column 7, lines 60-63. As the result of the amendment of Claim 5 and the cancellation of Claim 8, the instant claims patentably define over the reference.

Applicants also respectfully traverse the rejection of Claims 5-10 under 35 U.S.C. § 103 as unpatentable over Kashiwamura et al. (U.S. Patent No. 6,339,135). This reference shows a transition metal compound that can be used in an olefin polymerization catalyst; the patent defines the A¹ and A² groups in the transition metal compound formula as each a crosslinking group comprising a hydrocarbon group having at least one carbon atom. That structure is graphically depicted in the reference at column 6, lines 42-44. The claims as amended patentably define over this reference as well. The rejection should be withdrawn.

The Examiner is thanked for acknowledging receipt of the certified copy of the priority document and for listing references submitted with Information Disclosure Statements.

In view of the foregoing revisions and remarks it is respectfully submitted that Claims 1-7 and 9-12 are in immediate condition for allowance and a U.S. PTO paper to those ends is earnestly solicited. The Examiner is requested to telephone the undersigned if additional changes are required in the case prior to allowance.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Norman F. Oblon

Charles A. Wendel
Registration No. 24,453

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 03/06)

Enclosures: Terminal Disclaimer
English Translation of Priority Document